

HOUSE BILL No. 1290

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-13-5-13; IC 31-9-2; IC 31-27-4; IC 31-28-5.

Synopsis: Older youth foster care. Provides that an individual who received foster care when the individual was less than 18 years of age may choose to receive older youth foster care until the individual reaches 21 years of age if the individual is: (1) working; (2) attending a vocational program; or (3) attending an educational program. Provides that the division of family resources may implement a transitional services plan for an individual receiving older youth foster care. Amends the definition of certain foster care terms to include an individual receiving older youth foster care. Provides that restrictions on the number of individuals that can be supervised and cared for in a foster family home or a special needs foster family home include individuals receiving older youth foster care.

Effective: July 1, 2008.

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January 15, 2008, read first time and referred to Committee on Family, Children and Human Affairs.

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Introduced

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

HOUSE BILL No. 1290

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 12-13-5-13, AS ADDED BY P.L.133-2005,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2008]: Sec. 13. (a) As used in this section, "transitional
4 services plan" means a plan that provides information concerning the
5 following to an individual described in subsection (b):

6 (1) Education.

7 (2) Employment.

8 (3) Housing.

9 (4) Health care.

10 (5) Development of problem solving skills.

11 (6) Available local, state, and federal financial assistance.

12 (b) The division may implement a program that provides a
13 transitional services plan to ~~an individual who:~~ **the following**
14 **individuals:**

15 ~~(1) has become; or~~

16 ~~(2) will become;~~

17 ~~eighteen (18) years of age or emancipated while receiving foster care.~~

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(1) **An individual who has become or will become:**

(A) **eighteen (18) years of age; or**

(B) **emancipated;**

while receiving foster care.

(2) **An individual who:**

(A) **is at least eighteen (18) but less than twenty-one (21) years of age; and**

(B) **is receiving foster care for older youth under IC 31-28-5.**

(c) The division may adopt rules under IC 4-22-2 necessary to implement the program described in this section.

SECTION 2. IC 31-9-2-39.5, AS ADDED BY P.L.145-2006, SECTION 188, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 39.5. "Destitute child", for purposes of IC 31-25-3, IC 31-25-4, IC 31-26-2, IC 31-26-3, IC 31-28-1, IC 31-28-2, and IC 31-28-3, means an individual:

(1) who is needy;

(2) who is not a public ward;

(3) who:

(A) **is less than eighteen (18) years of age; or**

(B) **if the individual is receiving foster care for older youth under IC 31-28-5, is at least eighteen (18) but less than twenty-one (21) years of age;**

(4) who has been deprived of parental support or care because of a parent's:

(A) death;

(B) continued absence from the home; or

(C) physical or mental incapacity;

(5) whose relatives liable for the individual's support are not able to provide adequate care or support for the individual without public assistance; and

(6) who is in need of foster care, under circumstances that do not require the individual to be made a public ward.

SECTION 3. IC 31-9-2-46.7, AS ADDED BY P.L.145-2006, SECTION 193, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 46.7. "Foster care", for purposes of IC 31-25, IC 31-26, IC 31-27, IC 31-28-1, IC 31-28-2, ~~and~~ IC 31-28-3, **and IC 31-28-5** means living in a place licensed under IC 31-27.

SECTION 4. IC 31-9-2-46.9, AS ADDED BY P.L.145-2006, SECTION 194, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 46.9. (a) "Foster family home", for purposes of IC 31-27, means a place where an individual resides and

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provides care and supervision on a twenty-four (24) hour basis to:

(1) a child; or

(2) **an individual at least eighteen (18) but less than twenty-one (21) years of age receiving foster care for older youth under IC 31-28-5-1;**

who satisfies the conditions set forth in subsection (b).

(b) A child or an individual described in subsection (a)(1) or (a)(2):

(1) ~~is not~~ **may not be** the:

(A) child;

(B) stepchild;

(C) grandchild;

(D) niece;

(E) nephew; or

(F) sibling;

of the individual providing care and supervision;

(2) ~~is~~ **must be** separated from the child's or individual's:

(A) parent;

(B) stepparent;

(C) guardian;

(D) custodian; or

(E) other relative; and

(3) ~~is~~ **must be** receiving care and supervision under an order of a juvenile court or for the purposes of placement.

SECTION 5. IC 31-9-2-117.5, AS ADDED BY P.L.145-2006, SECTION 215, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 117.5. "Special needs foster family home", for purposes of IC 31-27, means a foster family home:

(1) that provides care for:

(A) a child; or

(B) **an individual at least eighteen (18) but less than twenty-one (21) years of age receiving foster care for older youth under IC 31-28-5-1;**

who ~~(A)~~ has a mental, physical, or emotional disability and ~~(B)~~ will require additional supervision or assistance in behavior management, activities of daily living, or management of medical problems; and

(2) that meets the additional requirements under IC 31-27-4-3.

SECTION 6. IC 31-9-2-129.5, AS ADDED BY P.L.1-2007, SECTION 190, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 129.5. "Therapeutic foster family home", for purposes of IC 31-27, means a foster family home:

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(1) that provides care to:

(A) a child; or

(B) an individual at least eighteen (18) but less than twenty-one (21) years of age receiving foster care for older youth under IC 31-28-5-1;

who is seriously emotionally disturbed or developmentally disabled;

(2) in which the child **or individual** receives treatment in a family home through an integrated array of services supervised and supported by qualified program staff from:

(A) the office of the secretary of family and social services;

(B) a managed care provider that contracts with the division of mental health and addiction; or

(C) a licensed child placing agency; and

(3) that meets the additional requirements of IC 31-27-4-2.

SECTION 7. IC 31-27-4-3, AS ADDED BY P.L.145-2006, SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 3. (a) A person may not operate a special needs foster family home without a license issued under this article.

(b) The state or a political subdivision of the state may not operate a special needs foster family home without a license issued under this article.

(c) The department may only issue a license for a special needs foster family home that meets:

(1) all the licensing requirements of a foster family home; and

(2) the additional requirements described in this section.

(d) An applicant for a special needs foster family home license must be licensed as a foster parent under 465 IAC 2-1-1 et seq. that includes participating in preservice training.

(e) A person who is issued a license to operate a special needs foster family home shall, within one (1) year after meeting the training requirements of subsection (d) and, annually thereafter, participate in training that includes:

(1) training as required in order to be licensed as a foster parent under 465 IAC 2-1-1 et seq.; and

(2) additional training that includes specialized training to meet the child's **or individual's** specific needs.

(f) An operator of a special needs foster family home may not provide supervision and care as a special needs foster family home if more than:

(1) eight (8) individuals, each of whom: ~~either:~~

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(A) is less than eighteen (18) years of age; ~~or~~
 (B) is at least eighteen (18) years of age and is receiving care
 and supervision under an order of a juvenile court; or
**(C) is at least eighteen (18) but less than twenty-one (21)
 years of age and is receiving foster care for older youth
 under IC 31-28-5-1; or**

(2) four (4) individuals less than six (6) years of age;
 including the children **or individuals** for whom the provider is a
 parent, stepparent, guardian, custodian, or other relative, receive care
 and supervision in the home at the same time. Not more than four (4)
 of the eight (8) individuals described in subdivision (1) may be less
 than six (6) years of age. The department may grant an exception to this
 section whenever the department determines that the placement of
 siblings in the same special needs foster home is desirable.

(g) The department shall consider the specific needs of each special
 needs foster child **or individual** whenever the department determines
 the appropriate number of children **or individuals** to place in the
 special needs foster home under subsection (f). The department may
 require a special needs foster family home to provide care and
 supervision to less than the maximum number of children **or**
individuals allowed under subsection (f) upon consideration of the
 specific needs of a special needs foster child **or individual**.

(h) The department shall adopt rules under IC 4-22-2 necessary to
 carry out this section, including rules governing the number of hours
 of training required under subsection (e).

SECTION 8. IC 31-27-4-8, AS ADDED BY P.L.145-2006,
 SECTION 273, IS AMENDED TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2008]: Sec. 8. (a) An applicant may not provide
 supervision and care as a foster family home if more than:

(1) eight (8) individuals, each of whom: ~~either:~~
 (A) is less than eighteen (18) years of age; ~~or~~
 (B) is at least eighteen (18) years of age and is receiving care
 and supervision under an order of a juvenile court; or
**(C) is at least eighteen (18) but less than twenty-one (21)
 years of age and is receiving foster care for older youth
 under IC 31-28-5-1; or**

(2) four (4) individuals less than six (6) years of age;
 including the children **or individuals** for whom the provider is a
 parent, stepparent, guardian, custodian, or other relative, receive care
 and supervision at the facility at the same time.

(b) Not more than four (4) of the eight (8) individuals in subsection
 (a)(1) may be less than six (6) years of age.

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(c) The department may grant an exception to this section whenever the department determines that the placement of siblings in the same foster family home is desirable.

SECTION 9. IC 31-28-5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 5. Older Youth Foster Care

Sec. 1. (a) An individual who:

(1) is at least eighteen (18) but less than twenty-one (21) years of age; and

(2) received foster care when the individual was less than eighteen (18) years of age;

may choose to receive foster care at any time until the individual reaches twenty-one (21) years of age if the individual is working or is attending a vocational or educational program.

(b) The department shall adopt rules under IC 4-22-2 to implement this section. The rules adopted under IC 4-22-2 must establish rules regarding individuals working or attending vocational or education programs as set forth in subsection (a).

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